



**Awino v Republic (Miscellaneous Criminal Application  
E023 of 2023) [2023] KEHC 19018 (KLR) (19 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19018 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CRIMINAL APPLICATION E023 OF 2023**

**RE ABURILI, J**

**JUNE 19, 2023**

**BETWEEN**

**KEVIN OKONG’O AWINO ..... APPLICANT**

**AND**

**REPUBLIC ..... RESPONDENT**

**RULING**

1. The Convict/Applicant herein applies to this court to consider the period he spent in custody during trial and upon being sentenced on March 21, 2023.
2. He claims that he was arrested on November 11, 2017 yet the sentence pronounced was to run from March 21, 2023, by the convicting Judge in Kisumu HCCR No 01 of 2018.
3. However, the Applicant has not annexed any charge sheet or court proceedings to show the date of arrest or whether he was released on bond pending trial or not.
4. The application cannot be allowed in the absence of material to support the prayer sought. It is the duty of the applicant to avail to this court material in support of his assertions. No material in support of the application has been availed. I decline the application on my own motion and dismiss it.
5. This file is hereby closed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 19<sup>TH</sup> DAY OF JUNE, 2023**

**R. E. ABURILI**

**JUDGE**

